

AMENDED IN SENATE JUNE 21, 2006

AMENDED IN ASSEMBLY APRIL 27, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2836

Introduced by Assembly Member Karnette

February 24, 2006

An act to add Section 13113.11 to the Health and Safety Code, relating to fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2836, as amended, Karnette. Fire protection: residential care facility for the elderly.

Existing law establishes the State Fire Marshal within the Department of Forestry and Fire Protection and sets forth its duties, including, but not limited to, administering provisions relating to inspection and approval of fire protection measures for health and community care facilities.

Existing law, with certain exceptions, prohibits a person, firm, or corporation from establishing, maintaining, or operating any hospital or other specified care facility for more than 6 guests or patients, and prohibits the operation of a residential care facility for the elderly licensed to care for more than 6 persons, unless it has, among other things, an automatic fire sprinkler or extinguishing system approved by the State Fire Marshal. Existing law places responsibility for enforcing State Fire Marshal building standards upon prescribed local agencies and provides for the assessment of related inspection fees. Violation of provisions related to fire protection requirements is a crime.

This bill would require residential care facilities for the elderly that house or care for 4 or more clients or residents, to have an approved, operable automatic fire sprinkler system on and after January 1, 2014, if they are licensed as of January 1, 2010. The bill would require every facility for which a license is newly issued on or after January 1, 2010, to have an approved, operable automatic fire sprinkler system on and after the date of issuance. The bill would require the State Fire Marshal to adopt regulations to implement these provisions by January 1, 2008, including addressing those fire safety features no longer required of a licensee after an operable automatic fire sprinkler system has been installed and maintained. The bill would also provide that ~~no liability shall be imposed on an owner of a facility for a violation of this requirement by a third party to whom the facility is leased or rented for operation~~ *the landlord shall determine all phases of construction, and the facility shall pay all costs including permit fees, cost of design and construction, and tenant relocation costs.* By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13113.11 is added to the Health and
2 Safety Code, to read:
3 13113.11. (a) As used in this section, “facility” means a
4 residential care facility for the elderly, as defined in subdivision
5 (k) of Section 1569.2, with four or more residents.
6 (b) Every facility having a valid license as of January 1, 2010,
7 shall have installed and maintained on and after January 1, 2014,
8 an operable automatic fire sprinkler system approved by the State
9 Fire Marshal and meeting the NFPA 13D standard for the
10 installation of sprinkler systems in one and two family dwellings
11 and manufactured homes. A local jurisdiction shall not require a

1 sprinkler system exceeding this standard by amending the
2 standard or applying standards other than NFPA 13D.

3 (c) Every facility for which a license is newly issued after
4 January 1, 2010, ~~of issuance~~ *shall have installed and maintained*
5 an operable automatic fire sprinkler system approved by the State
6 Fire Marshal and meeting the NFPA 13D standard for the
7 installation of sprinkler systems in one and two family dwellings
8 and manufactured homes. A local jurisdiction shall not require a
9 sprinkler system exceeding this standard by amending the
10 standard or applying standards other than NFPA 13D.

11 *Notwithstanding subdivisions (b) and (c), (1) a landlord or his*
12 *or her agent shall determine all phases of construction, including*
13 *selection of a contractor, improvements, and design, and (2) at*
14 *least one year prior to complying with this section, the facility*
15 *shall pay the landlord or his or her agent all costs associated*
16 *with this section, including permit fees, cost of design and*
17 *construction, and tenant relocation costs.*

18 (d) By January 1, 2008, the State Fire Marshal shall adopt
19 regulations to implement this section, including addressing those
20 fire safety features no longer required of a licensee after an
21 operable automatic fire sprinkler system is installed and
22 maintained.

23 (e) A public or private water agency shall not interpret this
24 section as changing the status of a facility from a residence
25 entitled to residential water rates nor shall a new meter or larger
26 connection pipe be required of the facility.

27 (f) The fee imposed by a local fire marshal for plan review or
28 installation inspections of a fire sprinkler system required by this
29 section shall not exceed two hundred dollars (\$200).

30 (g) If the installation of a fire sprinkler system is the sole
31 renovation, the fee imposed for a local building inspection shall
32 not exceed two hundred dollars (\$200).

33 (h) Local government units are encouraged to work together to
34 minimize the number of pre and post installation inspections to
35 minimize fees imposed on residential facilities.

36 ~~(i) No liability shall be imposed on an owner of a facility for a~~
37 ~~violation of this section by a third party to whom the facility is~~
38 ~~leased or rented for operation.~~

39 SEC. 2. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the
4 penalty for a crime or infraction, within the meaning of Section
5 17556 of the Government Code, or changes the definition of a
6 crime within the meaning of Section 6 of Article XIII B of the
7 California Constitution.

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